

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HOUSE BILL 2392**

AN ACT

AMENDING SECTION 16-204, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006,  
CHAPTER 354, SECTION 19; RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 16-204, Arizona Revised Statutes, as amended by  
3 Laws 2006, chapter 354, section 19, is amended to read:

4       16-204. Declaration of statewide concern: consolidated election  
5                               dates

6       A. While the legislature recognizes that the method of conducting  
7 elections by political subdivisions, including charter counties and cities,  
8 may be a matter of local concern, the legislature finds and determines that  
9 for the purposes of increasing voter participation and for decreasing the  
10 costs to the taxpayers it is a matter of statewide concern that all elections  
11 in this state be conducted on a limited number of days and, therefore, the  
12 legislature finds and declares that the holding of all elections on certain  
13 specific consolidated days is a matter of statewide concern.

14     B. Notwithstanding any other law or any charter or ordinance of any  
15 county, city or town to the contrary, an election held for or on behalf of a  
16 county, city or town, a school district, a community college district or  
17 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13  
18 through 16 and 33 may only be held on the following dates:

19       1. Except for regular elections for candidates in a city or town with  
20 a population of one hundred seventy-five thousand or more persons, all  
21 elections, including recall elections, ~~and~~ special elections to fill  
22 vacancies ~~AND ANY EXPENDITURE LIMITATION ELECTION THAT IS HELD PURSUANT TO~~  
~~ARTICLE IX, SECTION 20, SUBSECTION 6 OR 9, CONSTITUTION OF ARIZONA AND THAT~~  
~~IS ON THE BALLOT IN 2007 OR 2008 FOR A CITY OR TOWN WITH A POPULATION OF~~  
~~THREE HUNDRED FIFTY THOUSAND OR MORE PERSONS~~, shall be held on:

26           (a) The second Tuesday in March.

27           (b) The third Tuesday in May.

28           (c) The eighth Tuesday before the first Tuesday after the first Monday  
29 in November.

30           (d) The first Tuesday after the first Monday in November.  
31 Notwithstanding any other law, an election must be held on this date for the  
32 approval of an obligation or other authorization requiring or authorizing the  
33 assessment of secondary property taxes by a county, city, town, school  
34 district, community college district or special taxing district, except as  
35 provided by title 48.

36       2. For regular elections that are only for candidates in a city or  
37 town with a population of one hundred seventy-five thousand or more persons  
38 and not including recall elections, ~~and~~ special elections to fill vacancies  
39 in those cities or towns ~~AND ANY EXPENDITURE LIMITATION ELECTION THAT IS HELD~~  
~~PURSUANT TO ARTICLE IX, SECTION 20, SUBSECTION 6 OR 9, CONSTITUTION OF~~  
~~ARIZONA AND THAT IS ON THE BALLOT IN 2007 OR 2008 FOR A CITY OR TOWN WITH A~~  
~~POPULATION OF THREE HUNDRED FIFTY THOUSAND OR MORE PERSONS~~, elections shall  
43 be held on:

44           (a) The eighth Tuesday before the first Tuesday after the first Monday  
45 in November.

1                         (b) The first Tuesday after the first Monday in November.  
2                         C. For any city or town, including a charter city, that holds its  
3 regularly scheduled candidate elections in even-numbered years pursuant to  
4 subsection B, paragraph 2, the term of office for a member of the city  
5 council or for the office of mayor begins on or after the second Tuesday in  
6 January in the year following the election.

7                         D. This section does not apply to an election regarding a county or  
8 city charter committee or county or city charter proposal that is conducted  
9 pursuant to article XIII, section 2 or 3 or article XII, section 5,  
10 Constitution of Arizona.

11                         Sec. 2. Election for expenditure limitation; penalty

12                         A. A city or town with a population of three hundred fifty thousand or  
13 more persons that does not hold an election to adopt an expenditure  
14 limitation pursuant to article IX, section 20, subsection 6, Constitution of  
15 Arizona in 2007 or 2008 pursuant to section 16-204, subsection B, paragraph  
16 1, Arizona Revised Statutes, as amended by this act, shall hold its next  
17 election to adopt, renew or extend an expenditure limitation or a base limit  
18 adjustment at the regularly scheduled election for the nomination or election  
19 of members of its governing board next preceding January 1, 2012.

20                         B. If the city or town fails to comply with the provisions of  
21 subsection A of this section, the auditor general shall notify the state  
22 treasurer by January 1, 2012 to withhold from allocation of state income tax  
23 revenue sharing pursuant to section 43-206, Arizona Revised Statutes, an  
24 amount equal to two times the difference between the city's or town's  
25 expenditure limitation for fiscal year 2011-2012 and the expenditure  
26 limitation computed and prescribed pursuant to article IX, section 20,  
27 Constitution of Arizona. The state treasurer shall withhold the penalty  
28 under this subsection in twelve equal monthly installments beginning January,  
29 2012 through December, 2012.